

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**In re John Steven Steidl and Denise  
Anne Steidl,**

**Debtors**

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§  
§

**Bankruptcy Case No.20-30162**

**Chapter 7**

**CHAPTER 7 TRUSTEE'S APPLICATION TO EMPLOY  
THE LAW FIRM OF O'CONNORWECHSLER, PLLC AS  
LITIGATION COUNSEL TO THE TRUSTEE**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

THERE WILL BE A HEARING ON THIS MOTION ON MARCH 27, 2020 AT 11:00 A.M. IN COURTROOM 403, 515 RUSK, HOUSTON, TX 77002

Randy W. Williams, chapter 7 trustee for John Steven Steidl and Denise Anne Steidl (the "Trustee"), files this Application to engage the law firm of O'ConnorWechsler PLLC ("OWPLLC") as his counsel.

**Application to Employ OWPLLC**

1. The Trustee desires to employ OWPLLC counsel on an hourly fee basis. The employment of OWPLLC is required to assist the Trustee in obtaining the Court's authority to sell assets (and related services, and any litigation and legal advisory services that arise as directed by the Trustee), including the sale of Alabama real estate and an operating "bounce house" business



owned by the debtors.

2. The Trustee has selected OWPLLC because it employs Annie Catmull (“Catmull”) who, as set forth in more detail, has extensive bankruptcy experience.

3. OWPLLC maintains offices at 4400 Post Oak Parkway, Ste. 2360, Houston, Texas 77027. Catmull’s direct line is (281)814-5977.

4. The Trustee believes that OWPLLC can provide the estate with the required legal expertise to allow the Trustee to efficiently maximize estate assets for the benefit of the creditors.

5. Catmull will be designated as attorney-in-charge and will be responsible for the representation. Catmull is admitted to practice before all Texas federal and bankruptcy courts, and to the Fifth Circuit Court of Appeals. After completing a full-time externship with the U.S. Bankruptcy Court, District of Utah, Catmull graduated in 1995 from the J. Quinney School of Law at the University of Utah. She was licensed by the S.D. of Texas in 1996, and thereafter her practice has been almost exclusively bankruptcy. As set forth in more detail in the attached Exhibit A, Catmull has significant experience in bankruptcy trials. Over the last 20 years, in addition, Catmull has represented many parties in interest to bankruptcy assets sales, including the holders of mineral liens, owners of overriding royalty interest in oil/gas properties, potential purchasers, and debtor’s ownership. In the Trustee’s view, she and OWPLLC is well-qualified for the proposed engagement.<sup>1</sup>

#### **Analysis of the *Bechuck* Factors**

6. This Court has set forth specific factors relevant to the analysis of whether an

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<sup>1</sup> The Trustee anticipates that Catmull will provide most or all of the services. Should she need assistance from within her firm, however, it is available. Kathleen O’Connor has been licensed to practice in the State of Texas since 1995 and is admitted to practice before all Texas federal courts, and the Fifth Circuit Court of Appeals. She is a seasoned litigator, and a member of the invitation-only American Board of Trial Advocates, a national association of attorneys and judges whose mission is to foster improvement in the ethical and technical standards of practice in the field of advocacy. Her successful representations include a former employee in breach of fiduciary duty and claims under ERISA, breach of a non-compete and theft of trade secrets, construction contract disputes, defense of multiple wrongful death claims, prosecution of claims against construction bonds, and defense of multiple personal injury claims brought against multifamily real estate clients. She has also appeared and litigated in bankruptcy court.



application to employ counsel to a trustee satisfies Rule 2014 of the Federal Rules of Bankruptcy Procedure. *See In re Bechuck*, 472 B.R. 371 (Bankr. S.D. Tex. 2012). The Trustee believes that this Application satisfies the standards of Rule 2014 and *Bechuck* by describing the breadth and depth of OWPLLC's, and its individual attorneys', relevant experience, including their history of success in similar cases resulting in tangible, material, and identifiable benefits.

7. Prior representations of the Trustee. Between 2011 through 2014, Catmull represented the Trustee in the chapter 11 case (and in the later chapter 7) of Green Valley Growers, Inc., case no. 09-31630, S.D. of Tex., Houston Div., before Judge L. Paul; including in related adversary proceedings 11-03080, 11-03103, and 11-03346. Catmull's efforts yielded \$847,000 in cash recovery to the trustee and a reduction of over \$19 million in claims against the estate.<sup>2</sup> Currently, Catmull represents the Trustee in as counsel in the chapter 7 bankruptcy of Gulfstream Trucking, LLC, case no. 19-36569 in the S.D. of Texas, Houston Division. Other those representations (Green Valley and Gulfstream), Catmull and OWPLLC have not represented the Trustee.

#### **Description of Attorneys' Assignments and Duties**

8. Scope. As proposed, OWPLLC will represent the Trustee in obtaining the Court's authority to sell assets, legal services related to such sales, and in litigation and legal advisory services, if any, as the need arises and determined and directed by the Trustee (including claim objections, if any).

9. At the time of this application the Trustee understands that the estate owns a non-exempt condominium in Alabama (24250 Perdido Beach Blvd, Orange Beach, Alabama) and an operating "bounce house" business (Bounce Zone, Inc.) owned by the debtors, which business has at least one interested buyer. .

10. Except as set forth above and in the attached affidavit, OWPLLC and its attorneys

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<sup>2</sup> As set forth in the approved fee application in docket 521 in case no. 09-31630.



have no other connection with the debtor, its creditors, any other parties in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee and are "disinterested persons" within the definition of Section 101(14) of the Bankruptcy Code on the matters for which it is to be engaged as counsel. *See* Attached Unsworn Declaration.

11. **Compensation.** Subject to Bankruptcy Court approval, the Trustee desires to compensate OWPLLC at an hourly rate of \$400 per hour for Catmull's services, between \$350 and \$275 per hour should the services of other attorneys at the firm be required, and \$110 per hour for paralegal services. In addition, OWPLLC shall be entitled to reimbursement of reasonable out-of-pocket expenses.

12. OWPLLC will submit fee applications in accordance with the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure and the rules of this Court.

13. Accordingly, the Trustee requests that the Court approve the retention of OWPLLC as counsel as set forth above and for such other relief as is just.

Respectfully submitted,

By: Randy W. Williams  
Randy W. Williams  
Byman & Associates PLLC  
Attorney  
7924 Broadway Suite 104  
281-884-9262 direct  
rww@bymanlaw.com

**CHAPTER 7 TRUSTEE**

and

**O'CONNORWECHSLER PLLC**

By: /s/ Annie Catmull  
Annie E. Catmull  
State Bar No. 00794932  
aecatmull@o-w-law.com  
4400 Post Oak Plaza, Suite 2360  
Houston, Texas 77027  
Telephone: (281) 814-5977

**PROPOSED ATTORNEYS FOR THE TRUSTEE**



**CERTIFICATE OF SERVICE**

I hereby certify that, pursuant to B. R. 2014, on January 28, 2020 this instrument was served (i) by United States first class mail, with proper postage affixed, to (a) the United States Trustee, 515 Rusk Avenue, Suite 3516, Houston, Texas 77002, and (b) the creditors listed on the attached service list, and (ii) by electronic transmission to all registered ECF users appearing in the case as reflected in the email addresses listed immediately below.

/s/ Annie Catmull

Annie Catmull

Annie E Catmull on behalf of Trustee Randy W Williams  
[aecatmull@o-w-law.com](mailto:aecatmull@o-w-law.com), [aecatmull@ecf.courtdrive.com](mailto:aecatmull@ecf.courtdrive.com)

Donna Kaye Rashti on behalf of Creditor EQYInvest Grogans Owner, Ltd, LLP  
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Lawrence D Tackett on behalf of Debtor Jon Steven Steidl  
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Lawrence D Tackett on behalf of Joint Debtor Denise Anne Steidl  
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## SERVICE LIST

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CT Lien Solutions  
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Houston, TX 77019

Direct TV  
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Atlanta, GA 30348-5261

Exact Sciences  
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Madison, WI 53713-2723

Financial Agent Services  
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Springfield, IL 62708

First Data Merchant Services  
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Marietta, GA 30067

Fun Brands, Inc.  
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Scottsdale, AZ 85255

Funding Circle  
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San Francisco, CA 94111

Global Realty & Management, Inc.  
15866 Champion Forest Drive  
Spring, TX 77379

HCA Houston Healthcare  
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Atlanta, GA 30384

HCA Houston Healthcare North Cypress  
C/O Mediredit, Inc.  
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Maryland Heights, MO 63043-0629

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C/O Americollect

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Milwaukee, WI 53201

Labcorp  
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Burlington, NC 27216-2240

Lemon Cleaning Company  
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Lift Fund, Incl  
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Longwood Village, HOA  
C/O Sterling ASI  
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Marcos Pizza  
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Reliant Pest Control  
C/O Transworld Systems  
500 Virginia Drive, Suite 514  
Fort Washington, PA 19034

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Rose Direct Funding  
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Dallas, TX 75215

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TDECU

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William and Beverly Clough  
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Cumming, GA 30041



**EXHIBIT A**  
**(EXAMPLES OF CATMULL'S BANKRUPTCY LITIGATION EXPERIENCE)**

	<b>Client(s)</b>	<b>Description of dispute</b>	<b>Length of trial/Results</b>	<b>Court and case #</b>
1.	Owner and affiliate of chapter 7 corporation	Trustee's suit to impose on owner and affiliate liability for the estate's debt in excess of \$10 million	Client (individual) granted partial summary judgment 10/31/18, 594 B.R. 383 (2018); followed by multi-party settlement in Aug. 2019	Adv. proc. 17-03265
2.	Co-obligors with debtor on \$28 million in bank debt	Whether high net worth individual-debtor's chapter 11 should be converted to chapter 7	No trial; successfully mediated in 2018 by Judge D. Jones, settlement incorporated in confirmed chapter 11 plan	Bankr. case no. 18-30385, S.D. of Tex. (J. Isgur)
3.	Chapter 11 debtor (multi-family real estate)	Objection to proof of claim of Fannie Mae, mortgagee	Trial began 11/1/16 and ended 12/21/16. Court found: "Oak Grove and Fannie Mae worked together in bad faith" to foreclose; objection partially sustained; see <a href="https://www.govinfo.gov/content/pkg/USCOURTS-txsb-3_15-bk-80319/pdf/USCOURTS-txsb-3_15-bk-80319-1.pdf">https://www.govinfo.gov/content/pkg/USCOURTS-txsb-3_15-bk-80319/pdf/USCOURTS-txsb-3_15-bk-80319-1.pdf</a>	bankr. case no. 15-80319; adv. proc. no. 15-08013 (J. L. Paul)
4.	Chapter 11 debtor (multi-family real estate)	Motion of Fannie Mae for stay relief	1.5 days, stay relief denied, continued stay conditioned, plan successfully confirmed, final decree entered; see <a href="https://www.leagle.com/decision/inbco20160205666">https://www.leagle.com/decision/inbco20160205666</a>	Bankr. case no. 15-80319
5.	Plaintiff (an individual) in suit to enforce discharge and settlement injunction	Motion for contempt	3 hours; Jan. 2015; motion granted	Bankr., S.D. Tex. (J. Isgur); adv. proc. # 14-03307
6.	Commercial landlord in chapter 11 bankruptcy of restaurant company, objecting party	Debtor's opposed motion to extend 1129(e) deadline to confirm plan of reorganization	2 hours; Sept. 2014; motion denied	Bankr., S.D. Tex. (J. Isgur); case # 13-36878
7.	Oilfield service company in a chapter 11 bankruptcy, debtor objecting to request for statutory	Litigation creditor's post-trial request for award of \$898,147 in attorney fees and \$323,951 in costs	1.5 days; Sept. 2014; \$320,839 in fees allowed; \$577,308 in fees disallowed, \$323,951 in costs disallowed; see <a href="https://www.govinfo.gov/content/pkg/USCOURTS-txsb-4_13-bk-32101/pdf/USCOURTS-txsb-4_13-bk-32101-1.pdf">https://www.govinfo.gov/content/pkg/USCOURTS-txsb-4_13-bk-32101/pdf/USCOURTS-txsb-4_13-bk-32101-1.pdf</a>	Bankr., S.D. Tex. (J. Brown); case # 13-2101



	Client(s)	Description of dispute	Length of trial/Results	Court and case #
	attorney fees			
8.	Judgment creditor, plaintiff judgment holder	Obtained injunction directing defendants to put \$1.154 million in sale proceeds into registry of court	1 hour; Aug. 2013; after initial evidentiary presentation, defendants agreed to injunction and settlement (that paid client substantially in full)	Bankr., S.D. Tex. (J. Bohm); adv. proc. 13-03175
9.	Small oil exploration and production company in chapter 11, debtor	Debtor's (i) objections to \$6 million proof of claim, and (ii) motion to estimate claim at zero	1.5 days; Nov. 2012; court disallowed \$6 million proof of claim; 5 <sup>th</sup> Circuit affirmed, see <i>Edward Talone, et al v. Anloc</i> , L.L.C., No. 13-20273 (5th Cir. 2014)	Bankr., S.D. Tex. (J. Isgur); case no. 12-31267
10.	Small telecommunications company reorganized under chapter 11, movant	Third motion for contempt of temporary injunction prohibiting contact with debtor's employees and prohibiting pursuit of litigation	17 days; March 2012 thru Feb. 2013, motion granted, the Fifth Circuit affirmed, see <a href="https://www.ca5.uscourts.gov/opinions/unpub/15/15-20246.0.pdf">https://www.ca5.uscourts.gov/opinions/unpub/15/15-20246.0.pdf</a>	Bankr., S.D. Tex. (J. Bohm); adv. proc. 10-3150
11.	Individual and principal of corporate chapter 7 debtor	Client's objection to the chapter 7 trustee's request for court approval of a settlement of litigation with insurance company	Jan. 2012, 3 hours, objection overruled	Bankr., S.D. Tex. (J. Jones), case #11-32041
12.	Debtor in chapter 11 bankruptcy of Texas limited partnership that owned multi-million dollar home in Jackson, WY	Creditor builder's suit for breach of construction contract removed to Bankruptcy Court from Teton County, WY	3 days of bifurcated trial; June 2011; parties successfully mediated with Judge K. Ellison after trial on the contract, but before trial on damages occurred	Bankr., S.D. Tex. (J. Brown); adv. proc. 11-03070
13.	Small telecommunications company reorganized under chapter 11, movant	Second motion for contempt of temporary injunction prohibiting contact with debtor's employees and prohibiting pursuit of litigation	Nov. 2010 1.5 hours; motion granted and fees awarded in favor of debtor	Bankr., S.D. Tex. (J. Bohm); adv. proc. 10-3150
14.	Limited partnership with commercial lending business in chapter 11	Trial on court's order that debtor show cause why case should not be dismissed	Oct. 2010; half day; case dismissed	Bankr., S.D. Tex. (J. Paul); case # 10-32200
15.	Small telecommunications company reorganized under chapter	First motion for contempt of temporary injunction prohibiting contact with debtor's employees and prohibiting pursuit of	Oct. 2010; 1.5 hours of trial; motion granted, and fees awarded in favor of debtor	Bankr., S.D. Tex. (J. Bohm); adv. proc. 10-3150



	Client(s)	Description of dispute	Length of trial/Results	Court and case #
	11	litigation		
16.	Large oilfield services providers and creditors in the chapter 11 bankruptcy case of an oil and gas exploration company	Dispute with debtor's pre-bankruptcy secured lender over validity and priority of bank's various recorded mortgage documents versus mechanic/mineral liens filed by oilfield service providers	3 days of trial during Aug. 2010; Oklahoma and Texas liens in favor of mineral lienholders declared partially prior to bank mortgage; see the following pre-trial summary judgment ruling which describes the issues tried: see <a href="https://www.txnb.uscourts.gov/sites/txnb/files/opinions/09-03447_Baker_Hughes_Oilfield_Operations_Inc_et_al_v_Union_Bank_of_California%2C_N.A._et_al_08_25_2010.pdf">https://www.txnb.uscourts.gov/sites/txnb/files/opinions/09-03447_Baker_Hughes_Oilfield_Operations_Inc_et_al_v_Union_Bank_of_California%2C_N.A._et_al_08_25_2010.pdf</a>	Bankr., N.D. of Tex (J. Houser); adv. proc. # 09-03447